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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/24/2006 has been entered.

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 7/24/2006. Claims **1-5, 8-10, 12-16, 19-21, 23-27, 29-31, 33** are pending. Claims **1, 4, 5, 8, 10, 12, 13-16, 19-21, 23, 24, 26, 27, 29, 31, 33** are amended. Claims **6, 7, 11, 17, 18, 22, 28, 32, 34** are canceled.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims **1, 12, and 23**, filed 7/24/2006, have been considered, but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

1. Claims **1, 13, and 16** are objected to because of the following informalities:

Referring to claim **1**, the phrase "the localized interactive content" lacks antecedent basis. The claim previously recites a "localized content," but the examiner fails to find a recitation of

“localized interactive content” previously in the claim. The examiner recommends that “localized interactive content” be changed to “localized content,” and interprets the claim in the Office Action below as though the recommended changes have been made.

Referring to claim 13, the examiner recommends that “comprsie” be changed to “comprise.” The examiner interprets the claim in the Office Action below as though the recommended changes have been made.

Referring to claim 16, the examiner recommends that “pbjects” be changed to “objects.” The examiner interprets the claim in the Office Action below as though the recommended changes have been made.

Appropriate correction is required.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a), because they fail to show Figures 1, 2A, 2B, 2C, and 4 as described in the specification. The examiner acknowledges that the elements are designated with numerals; however, the elements in the drawing are not properly descriptive of the disclosed invention. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be

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removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

1. Claims **1-5, 8-16, 19-21, 23-27, 29-31, 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe et al. in view of Boylan, III et al.

Referring to claims **1, 12, and 23**, Rowe et al. discloses a system/method, comprising:

- a first unit 32 to generate an interactive three-dimensional (3-D) electronic programming guide (EPG)(col. 6, l. 50-59; col. 8, l. 34-37 & Figs. 1, 2);
- a database interconnected to an offline archive storing a plurality of objects associated with past programming events (col. 3, l. 23-38; col. 5, l. 23-50; col. 13, l. 48-56; & col. 14, l. 33-55), the plurality of objects comprising EPG objects (col. 5, l. 23-38) and non-EPG objects 92, the EPG objects selected from the group consisting of 3-D images, alphanumeric text (col. 4, l. 8-19) and video data; and
- a user interface (UI) for interaction with the objects (col. 7, l. 1-15 & col. 9, l. 29-46).

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Rowe et al. does not disclose that the non-EPG objects comprise localized content and electronic commerce (e-commerce) objects and a user interface (UI) for interaction with the localized interactive content and e-commerce objects. Boylan, III et al. discloses replacing global advertisements with local advertisements in a program guide (p. 1, paragraph 11) and allowing a user to interact with the advertisements (p. 4, paragraph 54). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to replace the preview section of Rowe et al. with local advertisements, such as that taught by Boylan, III et al. in order to provide an interactive television program guide system in which users may be provided with local program guide advertising (p. 1, paragraph 7).

NOTE: The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **2, 14, and 24**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 1, 12, and 23, respectively, wherein the system comprises a set-top box (Rowe et al. col. 6, l. 50), a television (Rowe et al. col. 2, l. 43), or a VCR.

Referring to claims **3 and 25**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 1 and 24, respectively, wherein the system includes a plurality of drivers, one of the drivers communicating with a separate unit to replenish programming information (Rowe et al. col. 7, l. 1-15).

Referring to claims **4, 8, 15, 19, 26, 29, and 31**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 1, 12, 24, 27, and 30, wherein the EPG objects comprise a first class of objects (summary panel 90) providing a plurality of virtual worlds included in the 3-D EPG (the examiner notes that the information shown in summary

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panel 90 corresponds to the selected tile appearing within the viewing panel 58)(Rowe et al. col. 14, l. 8-55 & col. 15, l. 1-30).

Referring to claims **5**, **16**, and **27**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 4, 15, and 26, respectively, wherein the EPG objects comprise a second set of objects (program tiles) that includes at least one of a schedule times, channel identification, or title, corresponding to a program (Rowe et al. col. 4, l. 8-11).

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **9**, **20**, and **30**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 8, 19, and 29, respectively, wherein a subset of the virtual world is displayed as a matrix of rectangular boxes containing current program information (the examiner notes that program summary panel forms a matrix of rectangular boxes containing current program information (preview section 92 and text description section 94)(Rowe et al. col. 14, l. 33-42 & Figs. 2-4).

Referring to claims **10**, **21**, and **33**, the combination of Rowe et al. and Boylan, III et al. teaches the system/method of claims 1, 20, and 27, respectively. Rowe et al. further discloses Tiger video files for display in the preview section 92. Each Tiger video file is stored at the location of the headend processor and distributed in response to a request output by the subscriber's set-top converter 32 (col. 15, l. 1-13). Rowe et al. does not disclose uploading localized content in real time. Boylan, III et al. discloses a computer 94 that retrieves local advertisements from advertising database 57 as needed for transmission to user television equipment 54 (p. 5, paragraph 68). It would have been obvious to one of ordinary skill in the art

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at the time that the invention was made to modify the combination of Rowe et al. and Boylan, III et al. to include distributing local advertisements to users as needed, such as that taught by Boylan, III et al. in order to present current information to a user.

Referring to claim 13, the combination of Rowe et al. and Boylan, III et al. teaches the computer-implemented method of claim 12, wherein the EPG objects comprise a plurality of objects associated with current programming events (col. 5, l. 10-12).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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